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Attorneys for Plaintiff
L & L Wings, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

L & L WINGS, INC.,

Plaintiff and Counterclaim Defendant,

-against-

MARCO-DESTIN INC., 1000 HIGHWAY
98 EAST CORP., PANAMA SURF &
SPORT, INC. AND E & T INC.,

Defendants and Counterclaim Plaintiffs.

ECF Case

Civil Action No. CV-07-4137
(BSJ) (GWG)

**NOTICE OF PLAINTIFF'S
MOTION TO COMPEL
DISCOVERY AND FOR COSTS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and the exhibits annexed thereto, Plaintiff L & L Wings, Inc., by its attorneys, Bingham McCutchen LLP, will move for an Order pursuant to Federal Rules of Civil Procedure 26, 34 and 37 compelling non-party Morty Etgar to produce those documents, responsive to Plaintiff's Subpoena Duces Tecum served on March 25, 2008, that are being withheld on the basis of

“accountant-client” privilege, and (2) compelling Defendants and/or Morty Etgar to bear the costs of a continued deposition of Mr. Etgar.

PLEASE TAKE FURTHER NOTICE that any opposition papers shall be served pursuant to Rule 6.1(a) of the Local Rules of this Court and accordingly will be due on June 28, 2008, with reply papers being due one business day after service thereof.

Dated: New York, New York.
July 17, 2008

BINGHAM McCUTCHEN LLP

By: /s/ John P. Son

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